



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

April 13, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

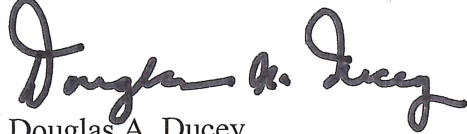
Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on April 12, 2018:

HB 2081 insurance adjusters; application of laws (Livingston)
HB 2083 insurance contracts; construction (Livingston)
HB 2086 schools; diabetes management policies; pharmacists (Carter)
HB 2188 prisoners; special services fund; uses (Boyer)
HB 2192 military family relief fund; extension (Carter)
HB 2211 bankruptcy exemption; personal property (Thorpe)
HB 2228 AHCCCS; annual waiver; applicability (Cook)
HB 2246 jail; prohibited items; drugs (Farnsworth, E.)
HB 2314 misdemeanor sentence; authorized disposition (Farnsworth, E.)
HB 2315 intensive probation; employment wages; monitoring (Farnsworth, E.)
HB 2321 auricular acupuncturists; fingerprinting (Carter)
HB 2328 concealed weapons permit; electronic reports (Farnsworth, E.)
HB 2601 securities; crowdfunding; virtual coin offerings (Weninger)
HB 2602 running nodes; blockchain; regulation prohibition (Weninger)
SB 1034 committee of reference; standing committee (Kavanagh)
SB 1054 ASRS; nonparticipating employers (Fann)
SB 1090 Beirut barracks bombing remembrance day (Borrelli)
SB 1100 workers' compensation; claim settlement (Fann)
SB 1113 zoning violations; notice; service (Fann)
SB 1150 application fees; financial institutions department (Farnsworth, D.)

SB 1185 appropriations; named claimants (Kavanagh)
SB 1260 law enforcement officers; interviews; rights (Borrelli)
SB 1379 flood protection districts; divisions; electors (Pratt)
SB 1385 tax appeals; administrative hearings; confidentiality (Farnsworth, D.)
SB 1394 DHS; reporting; abortions (Barto)
SB 1431 memorial; veterans; suicide (Barto)
SB 1442 personal finance (Yee)
SB 1447 juror questionnaire; investigations (Griffin)
SB 1451 patient referral inducements; prohibited compensation (Barto)
SB 1455 civil traffic violations; procedures; penalties (Petersen)
SB 1493 environmental quality; dredge, fill permits (Griffin)
SB 1503 delinquent restitution; procedure (Smith)

Sincerely,

A handwritten signature in black ink, reading "Douglas A. Ducey". The signature is fluid and cursive, with the first name "Douglas" being the most prominent.

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed

FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 203
HOUSE BILL 2314

AN ACT

AMENDING SECTION 13-603, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-717; RELATING TO SENTENCING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-603, Arizona Revised Statutes, is amended to
3 read:

4 13-603. Authorized disposition of offenders

5 A. Every person convicted of any offense defined in this title or
6 defined outside this title shall be sentenced in accordance with this
7 chapter and chapters 7, 8 and 9 of this title unless otherwise provided by
8 law.

9 B. If a person is convicted of an offense, the court, if authorized
10 by chapter 9 of this title, may suspend the imposition or execution of
11 sentence and grant such person a period of probation except as otherwise
12 provided by law. The sentence is tentative to the extent that it may be
13 altered or revoked in accordance with chapter 9 of this title, but for all
14 other purposes it is a final judgment of conviction.

15 C. If a person is convicted of an offense, the court shall require
16 the convicted person to make restitution to the person who is the victim
17 of the crime or to the immediate family of the victim if the victim has
18 died, in the full amount of the economic loss as determined by the court
19 and in the manner as determined by the court or the court's designee
20 pursuant to chapter 8 of this title. Restitution ordered pursuant to this
21 subsection shall be paid to the clerk of the court for disbursement to the
22 victim and is a criminal penalty for the purposes of a federal bankruptcy
23 involving the person convicted of an offense.

24 D. If the court imposes probation it may also impose a fine as
25 authorized by chapter 8 of this title.

26 E. If a person is convicted of an offense and not granted a period
27 of probation, or when probation is revoked, any of the following sentences
28 may be imposed:

29 1. A term of imprisonment authorized by this chapter or chapter 7
30 of this title.

31 2. A fine authorized by chapter 8 of this title. The sentence is
32 tentative to the extent it may be modified or revoked in accordance with
33 chapter 8 of this title, but for all other purposes it is a final judgment
34 of conviction. If the conviction is of a class 2, 3 or 4 felony, the
35 sentence cannot consist solely of a fine.

36 3. Both imprisonment and a fine.

37 4. Intensive probation, subject to the provisions of chapter 9 of
38 this title.

39 5. Intensive probation, subject to the provisions of chapter 9 of
40 this title, and a fine.

41 6. A new term of probation or intensive probation.

42 7. IF THE CONVICTION IS FOR A MISDEMEANOR, IN ADDITION TO ANY
43 SENTENCE AUTHORIZED BY LAW, A TERM OF:

44 (a) COMMUNITY RESTITUTION PURSUANT TO SECTION 13-717, SUBSECTION A.

1 (b) EDUCATION OR TREATMENT PURSUANT TO SECTION 13-717,
2 SUBSECTION B.

3 F. If an enterprise is convicted of any offense, a fine may be
4 imposed as authorized by chapter 8 of this title.

5 G. If a person or an enterprise is convicted of any felony, the
6 court ~~may~~, in addition to any other sentence authorized by law, MAY order
7 the forfeiture, suspension or revocation of any charter, license, permit
8 or prior approval granted to the person or enterprise by any department or
9 agency of the state or of any political subdivision.

10 H. A court authorized to pass sentence ~~upon~~ ON a person convicted
11 of any offense defined within or without this title shall have a duty to
12 determine and impose the punishment prescribed for such offense.

13 I. If a person is convicted of a felony offense and the court
14 sentences the person to a term of imprisonment, the court at the time of
15 sentencing shall impose on the convicted person a term of community
16 supervision. The term of community supervision shall be served
17 consecutively to the actual period of imprisonment if the person signs and
18 agrees to abide by conditions of supervision established by the state
19 department of corrections. Except pursuant to subsection J OF THIS
20 SECTION, the term of community supervision imposed by the court shall be
21 for a period equal to one day for every seven days of the sentence or
22 sentences imposed.

23 J. In calculating the term of community supervision, all fractions
24 shall be decreased to the nearest month, except for a class 5 or 6 felony
25 which shall not be less than one month.

26 K. Notwithstanding subsection I OF THIS SECTION, if the court
27 sentences a person to serve a consecutive term of probation immediately
28 after the person serves a term of imprisonment, the court may waive
29 community supervision and order that the person begin serving the term of
30 probation ~~upon~~ ON the person's release from confinement. The court may
31 retroactively waive the term of community supervision or that part
32 remaining to be served if the community supervision was imposed before
33 July 21, 1997. If the court waives community supervision, the term of
34 probation imposed shall be equal to or greater than the term of community
35 supervision that would have been imposed. If the court does not waive
36 community supervision, the person shall begin serving the term of
37 probation after the person serves the term of community supervision. The
38 state department of corrections shall provide reasonable notice to the
39 probation department of the scheduled release of the inmate from
40 confinement by the department.

41 L. If at the time of sentencing the court is of the opinion that a
42 sentence that the law requires the court to impose is clearly excessive,
43 the court may enter a special order allowing the person sentenced to
44 petition the board of executive clemency for a commutation of sentence
45 within ninety days after the person is committed to the custody of the

1 state department of corrections. If the court enters a special order
2 regarding commutation, the court shall set forth in writing its specific
3 reasons for concluding that the sentence is clearly excessive. The court
4 shall allow both the state and the victim to submit a written statement on
5 the matter. The court's order, and reasons for its order, and the
6 statements of the state and the victim shall be sent to the board of
7 executive clemency.

8 Sec. 2. Title 13, chapter 7, Arizona Revised Statutes, is amended
9 by adding section 13-717, to read:

10 13-717. Sentence for misdemeanor convictions: community
11 restitution; court-ordered education or treatment

12 A. IF THE COURT IMPOSES A SENTENCE TO PERFORM COMMUNITY RESTITUTION
13 FOR A MISDEMEANOR CONVICTION PURSUANT TO SECTION 13-603, THE COURT SHALL
14 DETERMINE AND FIX THE NUMBER OF HOURS OF COMMUNITY RESTITUTION THAT ARE
15 REQUIRED.

16 B. IF THE COURT IMPOSES A SENTENCE FOR A TERM OF EDUCATION OR
17 TREATMENT FOR A MISDEMEANOR CONVICTION PURSUANT TO SECTION 13-603, THE
18 TERM MAY NOT EXCEED THE TERM OF PROBATION THAT IS DETERMINED PURSUANT TO
19 SECTION 13-902, SUBSECTION A. THE COURT SHALL DETERMINE THE PROGRAM OF
20 EDUCATION OR TREATMENT.

21 C. THIS SECTION DOES NOT PRECLUDE THE COURT FROM IMPOSING ANY OTHER
22 SENTENCE THAT IS AUTHORIZED BY LAW.

APPROVED BY THE GOVERNOR APRIL 12, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2018

Passed the House February 15, 20 18

by the following vote: 58 Ayes,

1 Nays, 1 Not Voting

U. R. Garcia
Speaker of the House

☒ Pro Tempore

Jim Duane
Chief Clerk of the House

Passed the Senate April 19, 20 18

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Steve B. Montenegro
President of the Senate

Susan Owens
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

10th day of April, 20 18

at 2:47 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 12th day of

April 2018

at 5:34 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13 day of April, 20 18

at 4:50 o'clock P. M.

Michelle Reagan
Secretary of State

H.B. 2314